

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ANTHONY ZACHERY SR.,	)	CASE NO. 4:22-cv-1008
	)	
Petitioner,	)	JUDGE CHARLES ESQUE FLEMING
	)	
v.	)	MAGISTRATE JUDGE
	)	JAMES E. GRIMES JR.
WARDEN CHARMAINE BRACY,	)	
	)	<b>OPINION AND ORDER ADOPTING</b>
Respondent.	)	<b>MAGISTRATE’S REPORT AND</b>
	)	<b>RECOMMENDATION</b>

On June 10, 2022, Petitioner Anthony Zachery Sr. (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). On December 7, 2022, Respondent Warden Charmaine Bracy (“Respondent”) filed a Return of Writ. (ECF No. 14). Petitioner did not file a traverse. On May, 21 2024, Magistrate Judge James E. Grimes Jr. filed a Report and Recommendation (“R&R”) recommending that the Court dismiss the Petition. (ECF No. 17).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge’s R&R within 14 days after service. The R&R also gave the parties notice of the 14-day time limit for filing objections. (ECF No. 17, PageID #819). This Court gave Petitioner significantly longer—over 43 days—to object to the R&R. As of the date of this Order, no objections have been filed.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a R&R without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42 (1985).

There being no objections, the Court **ADOPTS** Magistrate Judge Grimes's R&R, incorporates it fully herein by reference, and **DISMISSES** the Petition. The Court also **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

**IT IS SO ORDERED.**

Date: July 3, 2024

A handwritten signature in black ink, reading "Charles Esque Fleming". The signature is written in a cursive, flowing style.

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**CHARLES ESQUE FLEMING**  
**UNITED STATES DISTRICT JUDGE**